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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/273,726	03/22/1999	ATSUSHI KANAYAMA	0879-0228P	7491
2292	7590	05/19/2004	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			TILLERY, RASHAWN N	
			ART UNIT	PAPER NUMBER
			2612	
			DATE MAILED: 05/19/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/273,726

Applicant(s)

KANAYAMA, ATSUSHI

Examiner

Rashawn N Tillery

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 12 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

#### ***Response to Arguments***

The examiner understands Applicant's invention as it is described in the specification and acknowledges the differences in the present invention and the prior art of record. For instance, the present invention does not perform an initialization process upon activation. However, Applicant's claim language does not clearly reflect the invention as it is described in the specification. Applicant merely claims that an absolute position of the subject is outputted upon activation.

Similarly, during Kasuya's initialization process (upon activation), "a detection signal from the absolute position detecting means 16," is output and compared with a target position Ow until lens 14 reaches the target position (see col. 4, lines 1-9). When the target position is reached, the arithmetic unit 12 controls driving action on the lens according to a detection signal from relative position detecting means 17.

Therefore, the rejection is maintained

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 4-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Kasuya (US5930054).

Regarding claims 4 and 11, Kasuya discloses, in figure 1A, a position determining device for determining a position of a subject (11) movable within a predetermined movement range, the position determining device comprising:

a relative position determiner (17) for determining a relative movement amount of the subject with respect to a reference point; and

an absolute position determiner (16) for determining an absolute position of the subject within the movement range (see col. 3, lines 49-67);

wherein the position determining device determines the position of the subject in accordance with data outputted from the absolute position determiner and the position determining device operates until the absolute position determiner detects the subject reaching a limit of the movement range (see col. 3, lines 20-28; also col. 4, lines 1-42);

the reference point determination of the relative position determiner is established at the limit of the movement range of the subject after the absolute position

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determiner detects the subject reaching the limit of the movement range, and the position determining device determines the position of the subject in accordance with data outputted from the relative position determiner, and upon activation of the positioning determining device, the position determining device obtains the absolute position of the subject within the movement range outputted from the absolute position determiner (see examiner's notes in the Response to Arguments section).

Regarding claim 5, Kasuya discloses, in figure 1, the relative position determiner comprises an incremental rotary encoder (17) and a counter (20) for counting encode pulses outputted from the rotary encoder (see col. 3, lines 20-28); and

the absolute position determiner comprises a potentiometer (see col. 3, lines 20-28).

Regarding claim 6, Kasuya discloses the subject is a control member (11) of a lens control unit for controlling at least one of focus and zoom of a TV lens electrically (see col. 3, lines 3-5).

Regarding claims 7 and 12, see claim 4 above. In addition, Kasuya discloses a storage device (18) for previously storing standard output data of the absolute position determiner corresponding to a plurality of positions of the subject within the moveable range, and previously storing standard output data of the relative position determiner corresponding to the standard output data of the absolute position determiner, the reference point for the standard output data of the relative position determiner being established at a limit of the movement range of the subject (see col. 3, lines 29-34; col. 4, lines 1-58 and col. 7, lines 11-20).

Regarding claim 8, see claim 7 above.

Regarding claim 9, see claim 2 above.

Regarding claim 10, see claim 3 above.

Regarding claim 13, Kasuya discloses the absolute position determiner is used upon activation for determining the position of the subject without initializing the relative position determiner when the subject is within the limit of the movement range (Kasuya only uses the relative position determiner after the initialization of the absolute position determiner- when the target position is reached- there is no initialization of the relative position determiner; see examiner's notes in the Response to Arguments section).

Regarding claim 14, Kasuya discloses the relative position determiner is used for determining the position of the subject when the subject is at the limit of the movement range (see examiner's notes in the Response to Arguments section).

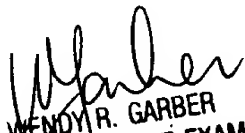
Regarding claim 15, Kasuya discloses the relative position determiner is used for determining the position of the subject when the subject is at the limit of the movement range (see examiner's notes in the Response to Arguments section).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rashawn N Tillery whose telephone number is 703-305-0627. The examiner can normally be reached on 9AM-6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on 703-305-4929. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RNT

  
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